

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NEW YORK LIFE INSURANCE COMPANY,

Plaintiff,

v.

BRANDON GUNWALL, *et al.*,

Defendant.

No. 2:19-CV-00226

STATUS REPORT AND DISCOVERY
PLAN

COMES NOW, Defendant Brandon Gunwall, by and through counsel undersigned, to advise the Court that the parties are not prepared to submit a Joint Status and Discovery Plan in compliance with FRCP 26(f) as the circumstances of this case have taken a unique turn making it impossible to do so.

1. Nature and Complexity of the Case: This case involves a complaint in interpleader wherein the Plaintiff, New York Life Insurance Company has asked the Court to determine the proper party to receive certain policy benefits. The Plaintiff has since motioned to deposit the funds into the registry of the court and to be dismissed from this case. That motion was unopposed, and an order was issued granting them the relief the Plaintiff requested. One of the Defendants, the Estate of Mark Lester Besola, has, until recently, been represented by Amelia Besola and her attorney Desmond Kolke. On September 26, 2019, an order of the Superior Court



1 Given the current status of this case, and the uncertain nature of the parties, Defendant
2 Gunwall will file a motion for substitution of parties and a continuance of the deadlines in this
3 matter, which will allow the proper parties to be sorted out and will also allow Mr. Pula and his
4 attorney the opportunity to familiarize themselves with this matter.

5 **2. Additional Parties:** Defendant Gunwall does not anticipate the joinder of
6 additional parties at this time, but as mentioned above, Amelia Besola is no longer a proper party
7 to this action.

8 **3. Use of Magistrate to Conduct Proceedings:** The parties have not yet discussed
9 and/or agreed on this for the reasons stated above.

10 **4. Proposed Discovery Plan:** The parties have not yet discussed and/or agreed on
11 this for the reasons stated above.

12 **5. Local Rule 26(f)(1):** The parties have not yet discussed and/or agreed on this for
13 the reasons stated above.

14 **6. Discovery Completion Date:** The parties have not yet discussed and/or agreed on
15 this for the reasons stated above.

16 **7. Bifurcation of Trial:** The parties have not yet discussed and/or agreed on this for
17 the reasons stated above.

18 **8. Pretrial Statements and Order:** The parties have not yet discussed and/or agreed
19 on this for the reasons stated above.

20 **9. Individualized Trial Program:** The parties have not yet discussed and/or agreed
21 on this for the reasons stated above.
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1 **10. Other Suggestions for Shortening/Simplifying the Case:** The parties have not
2 yet discussed and/or agreed on this for the reasons stated above.

3 **11. Trial Date:** The parties have not yet discussed and/or agreed on this for the reasons
4 stated above.

5 **12. Jury Trial:** The parties have not yet discussed and/or agreed on this for the reasons
6 stated above.

7 **13. Number of Trial Days Required:** The parties have not yet discussed and/or
8 agreed on this for the reasons stated above.

9 **14. Identification of Trial Counsel:** Given the current circumstances of this case as
10 presented above the only counsel currently confirmed is as follows:

11 Daniel K. Walk
12 820 A. Street, Suite 600
13 Tacoma, WA 98402
14 253-627-8131

15 **15. Dates presenting potential complications for counsel:** The parties have not yet
16 discussed and/or agreed on this for the reasons stated above.

17 **16. Service of Defendant:** All Defendants appear to have been served, as they have
18 all appeared in this matter, but as stated above, there are issues with the parties at this time.

19 **17. Scheduling conference.** The parties have not yet discussed and/or agreed on this
20 for the reasons stated above, so it appears that a conference will be necessary at this time.

21 **18. Corporate Disclosure Statement:** N/A

22 **19. Consent to Recording.** The parties have not yet discussed and/or agreed on this
23 for the reasons stated above.



1 DATED this 4th day of October, 2019.

2 MORTON MCGOLDRICK, PLLC

3
4 /s/ Daniel K. Walk
Daniel K. Walk, WSBA No. 52017
Attorney for Defendant Gunwall



CERTIFICATE OF SERVICE

I declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

I am employed by the law firm of Morton McGoldrick, PLLC.

At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the state of Washington, over the age of eighteen (18) years, not a party to the above entitled action, and competent to be a witness herein.

On the date set forth below I caused to be served in the manner noted the document(s) entitled: **Status Report and Discovery Plan** on the following person(s):

Desmond Kolke
Law Offices of Desmond Kolke
1201 Pacific Ave Ste 600
Tacoma, WA 98402-4384

☐ U.S. Mail
☐ E-Mail
☐ Telecopier
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Elizabeth C. Thompson
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Jeffrey E. Swenson
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☐ Electronically via CM/ECF

DATED this 4th day of October, at Tacoma, Washington.

/s/ Susan K. Toma
Susan K. Toma

